

3729

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Matthew G. Howell

Application No.: 08/987,005

Filed: December 8, 1997

For: METHOD FOR
MANAGING CABLES

Commissioner for Patents
Washington, D.C. 20231

Group Art Unit: 3729

Examiner: S. Smith



Atty. Docket No.: MICT-0107-00-US
(97.02260.00)

REPLY TO OFFICE ACTION DATED JULY 3, 2001

Dear Sir:

In an Office Action mailed on July 3, 2001, claims 22-24 were rejected under 35 U.S.C. § 112, first paragraph; claims 5-7, 16 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hudson in view of Caveney; and claims 18 and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hudson and Caveney in view of Zimmerman. These rejections are respectfully traversed, as discussed below in the corresponding sections.

§ 112 Rejections:

Claims 22-24 were rejected under rejected under 35 U.S.C. § 112 as containing subject matter not described in the specification. However, Applicant cannot understand the basis for this rejection, as it appears the language on page 2 of the Office Action has been inadvertently deleted. In this manner, the corresponding paragraph 3 simply recites "claim 22 recites selectively routing the cable through the first edge and the second edge" without further stating the basis for the rejection. It is noted that such edges are shown in Fig. 1 and discussed in the corresponding text in the specification, although it is not clear this was the basis for the § 112 rejection. Therefore, without further clarification of this

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I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231.

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rejection, the Assignee requests withdrawal of the corresponding § 112 rejection of claims 22-24.

§ 103 Rejections of Claims 5-7, 16, 18 and 20:

The method of claim 5 and the method of claim 18 each recites selectively routing a cable through at least one of an upper portion notch and a lower portion notch of a tray.

In contrast, the Examiner relies on Hudson to teach this limitation and particularly, directs attention to Fig. 2 of Hudson. However, a close reading of Hudson reveals that Hudson discloses two distinct channels 32 and 34: the channel 32 receives a conductor A that extends into a slot that is formed between fingers 36; and the channel 34 receives a conductor B and includes slots formed between fingers 46. Although the slots that are formed between the fingers 46 are located above the slots formed between the fingers 40, Hudson neither teaches nor suggests selectively routing either the conductor A or conductor B between the upper or lower slots. In this manner, only conductor B is routed between the slots that are formed between the fingers 46, and only cable A is routed between the slots formed between the fingers 40. Therefore, Hudson does not teach the selectively routing limitation of claims 5 and 18.

The Examiner has further not established a *prima facie* case of obviousness for the additional reason that the Examiner has not provided support for the suggestion or motivation to combine Hudson with Caveney. In this manner, to establish a *prima facie* case of obviousness, “there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaches.” M.P.E.P. § 2143. Because the Examiner has neither cited language from any of the references to support the § 103 combination nor has the Examiner alleged such knowledge to exist in the general level of skill in the art, a *prima facie* case of obviousness has not been established. Thus, for at least this additional reason, the Assignee requests withdrawal of the § 103 rejections of claims 5 and 18. Claims 6, 7, 16 and 20 are patentable for at least the reason that these claims depend from allowable claims.

§ 103 Rejections of Claims 22-24:

The method of claim 22 includes selectively routing a cable through a notch in a first longitudinal edge of a tray and a notch in a second longitudinal notch of a tray. The first longitudinal edge is higher than the second longitudinal edge.

In contrast, as discussed above in connection with claims 5 and 18, the wiring duct of Hudson does not teach selectively routing a cable between notches formed in edges that are of different heights. Neither Zimmerman nor Caveney supply the missing claim limitations. Furthermore, the Examiner does not provide support for the suggestion or motivation for the three way combination of Hudson, Caveney and Zimmerman. Therefore, for at least these reasons, the Assignee requests withdrawal of the § 103 rejection of claim 22. Claims 23 and 24 are patentable for at least the reason that these claims depend from an allowable claim.

CONCLUSION

In view of the foregoing, the Assignee withdrawal of the §§ 103 and 112 rejections and a favorable action in the form of a Notice of Allowance. Please credit any overpayments and charge any additional fees to Deposit Account No. 20-1504 (MICT-0107-00-US).

9/26/01
Date

Respectfully submitted,

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